

Notice of Allowability

Application No.

09/970,455

Examiner

Jonathan G. Sterrett

Applicant(s)

BENJAMIN ET AL.

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9-12-07.
2. ☒ The allowed claim(s) is/are 1,6,9,19,21-23 and 25-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Beth Van Doren
BETH VAN DOREN
PRIMARY EXAMINER
AU 3623

Allowance

1. **Claims 1, 6, 9, 19, 21-23, 25-31** are pending and allowed in the application. Please see the reasons for allowance below.

Allowable Subject Matter

2. **Claims 1, 6, 9, 19, 21-23, 25-31** are allowed.

Reasons for Allowance

6. The following is an examiner's statement of reasons for the indication of allowable subject matter: None of the prior art of record, taken individually or in any combination, teach, inter alia, defining an initial matrix containing supplier ratings; defining and calculating a first matrix based upon a job attribute vector, a job performance vector that includes a set of performance metrics, a filter constant between 0 and 1; defining and calculating a second matrix based on 1 minus the filter constant and the initial matrix; adding the first matrix and the second matrix to generate a feedback matrix; calculating a plurality of performance ratings each corresponding to a metric from the feedback matrix; and calculating a final rating value based on the plurality of performance ratings where the final rating value is used to assess a supplier, as recited by independent claims 1, 19, 23, and 27.

The prior art reference most closely resembling the Applicant's claimed invention is **Prasad**, Biren; "JIT Quality Matrices for strategic planning and

implementation", 1995, International Journal of Operations & Production Management, v15n9, pp.116-142, (hereinafter Prasad).

Prasad teaches the use of matrices in the context of a house of quality (HOQ) context. According to TQM teaching embodied in HOQ approach, the importance of rating suppliers is stressed. The use of JIT quality matrices to rating suppliers is shown on page 120 and in Figure 2. The JIT matrices use weights to show the importance various requirements have and how they are weighted in terms of their influence on each other (see page 127 bottom). These matrices are used to evaluate suppliers (see page 129 bottom to 130 top).where weights are used to weight individual metrics. Prasad teaches that vectors may be used in the aggregation of metrics (see page 123 bottom paragraph, the "Hows" vector of the JQM matrix).

However, Prasad fails to teach defining and calculating a first matrix based on a filter constant a first performance vector and a first job attribute vector; defining an initial matrix of performance ratings, multiplying it by 1 minus a filter constant to generate a second matrix; and adding the first and second matrices together to generate a feedback matrix; and then calculating a plurality of performance ratings based on the result of adding the first and second matrices together; and generating a supplier rating value based on the plurality of performance ratings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JGS/


BETH VAN DOREN
PRIMARY EXAMINER